

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CLEAN AIR CAR SERVICE &
PARKING BRANCH THREE, LLC,
CLEAN AIR CAR SERVICE &
PARKING CORP.,

MEMORANDUM AND ORDER

Case No. 1:24-cv-2377 (FB)

Appellants,

-against-

CLEAN AIR CAR SERVICE &
PARKING BRANCH TWO, LLC,

Appellee.

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Appearances:

For the Appellants:

KEVIN S. WANG
Wood Wang & Associates, PLLC
30-50 Whitestone Expy, Ste. 402
Flushing, NY 11354

For the Appellees:

JAY S. HELLMAN
THOMAS A. DRAGHI
ALEXANDRA TROIANO
Westerman Ball Ederer Miller Zucker
& Sharfstein, LLP
1201 RXR Plaza
Uniondale, NY 11556

BLOCK, Senior District Judge:

Appellants ask the Court to vacate the March 28, 2024 order of the bankruptcy court authorizing the eviction and removal of Clean Air Service & Parking Branch 3, LLC (“Clean Air Three”) from the property located at 37-20 Prince Street, Unit PU, Flushing, Queens County, NY 11354 (Block 4972, Lot 1104) (the “Property”). *See In re: Clean Air Car Service & Parking Branch Two, LLC and Operr Plaza, LLC*, Case No. 23-41937 (NHL), ECF No. 331 (Bankr. E.D.N.Y. 2023).

* * *

The Property was sold on February 20, 2024, after the Bankruptcy Court issued an order approving the sale.¹ The Bankruptcy Court subsequently entered an order granting Appellee's eviction motion. Clean Air Three was evicted from the Property on April 18, 2024, by the United States Marshall.

As Clean Air Three has been evicted, this appeal is rendered moot. *See In re M.A.S. 284 Parking Corp.*, 107 F.3d 3 (2d Cir. 1997) (“[A]fter the eviction, the debtor’s appeals . . . were moot.”). Accordingly, the appeal is dismissed.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
June 24, 2024

¹ This Court dismissed the appeal of that order as statutorily moot under 11 U.S.C. § 363(m).